

**IN THE UNITED STATES COURT OF APPEALS
OF THE EIGHTH CIRCUIT**

United States

PLAINTIFF

v.

Case No. 24-2730

Brandon Robinson

DEFENDANT

APPELLANT’S RESPONSE TO UNITED STATES’

MOTION TO DISMISS APPEAL

Comes now Appellant, Brandon Robinson, by and through undersigned appointed counsel, Degen Clow, and hereby respectfully files this response to the United States’ Motion to Dismiss Appeal. In response to the United States’ Motion, Appellant states as follows:

1. On January 25, 2024, pursuant to a written plea agreement, Appellant Robinson pled guilty to count 5 of a superseding indictment, for knowingly possessing a firearm after being previously convicted of a crime punishable by a term of imprisonment exceeding one year, a violation of USC § 922(g)(1).

2. As part of the plea agreement, Appellant Robinson waived:

The right to appeal or collaterally attack, to the full

extent of the law, all non-jurisdictional issues, including any forfeiture or restitution order, as follows:

(1) the defendant waives the right to appeal all non-jurisdictional issues including, but not limited to, any issues relating to pre-trial motions, hearings and discovery and any issues relating to the negotiation, taking or acceptance of the guilty plea or the factual basis for the plea, including the sentence imposed or any issues that relate to the establishment of the Guideline range, except that the defendant reserves the right to appeal claims of prosecutorial misconduct and the defendant reserves the limited right to appeal the substantive reasonableness of the sentence of imprisonment if the sentence is above the Guideline range that is established at sentencing and if the defendant makes a contemporaneous objection[.]

(District Court Docket Entry # 783)

3. On August 15, 2024, the District Court calculated Appellant Robinson's advisory guidelines range as 27-33 months' imprisonment and ultimately sentenced him to 30 months' imprisonment and a period of 2 years of supervised release to follow.

4. Counsel acknowledges Appellant Robinson was not sentenced above his calculated advisory guidelines range; nevertheless, he instructed trial counsel to file a Notice of Appeal (District Court Docket Entry # 1168). On appeal, Appellant Robinson intends to argue that the District Court erred in sentencing him to 30 months of incarceration, rather than imposing a sentence of probation or less incarceration.

WHEREFORE, in the interest of justice, Appellant Brandon Robinson

respectfully requests that his appeal not be dismissed.

Respectfully submitted,

/s/Degen D. Clow
Degen D. Clow
ABN: 2014038
CJA Attorney for Defendant
Clow Law
301 Roya Ln Suite 1
Bryant, AR 72022
501.999.2569
degen@clow.law

Certificate of Service/Compliance

I hereby certify that on April 10, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. By filing electronically, I have provided notification and service to:

Amanda Fields, AUSA

Also, I certify the full text of this response was prepared in Times New Roman, size 14, and that this response contains 535 total words.

I further certify that some of the participants in the case are not CM/ECF users. I have mailed the foregoing document by First-Class Mail on August 28, 2024, to the following non-CM/ECF participant:

Brandon Robinson
33 Edgewood Circle
Helena-West Helena, AR 72390

By: /s/Degen D. Clow
Degen D. Clow